

# Exhibit A

**In The Matter Of:**

*Melise vs*

*Wall, et al*

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*Kerri McCaughey*

*July 12, 2019*

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*Min-U-Script® with Word Index*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STEPHEN MELISE,  
Plaintiff,

VS.

C.A. NO. 1:17-cv-00490-JJM-PAS

ASHBEL T. WALL, et al.  
Defendants.

DEPOSITION of KERRI McCaughey,  
a Defendant in the above-entitled cause,  
taken on behalf of the Plaintiff, before  
Lori Spremulli Confreda, Certified Court  
Reporter, R.P.R., Commissioner, in and  
for the State of Rhode Island, at  
Sinapi Law Associates, Ltd., 2374 Post  
Road, Suite 201, Warwick, Rhode Island  
02886, on Friday, July 12th, 2019  
scheduled at 10:00 A.M.

PRESENT,

FOR THE PLAINTIFF,  
SINAPI LAW ASSOCIATES, Ltd.  
BY: CHLOE A. DAVIS, ESQ.

FOR THE DEFENDANTS,  
(RIDOC)

RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL  
BY: JUSTIN J. SULLIVAN,  
SPECIAL ASSISTANT ATTORNEY GENERAL  
AND: LAUREN HILL,  
SPECIAL ASSISTANT ATTORNEY GENERAL

- and -

(FRED VOHR AND JENNIFER CLARKE)  
TATE & LATHAM  
BY: CHRISTINE STOWELL, ESQ.

ALSO PRESENT: ANTHONY SINAPI, PARALEGAL,  
SINAPI LAW ASSOCIATES, Ltd.

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1       A. Correct.

2       Q. What are the grounds that you have for denying a  
3            reasonable accommodation request?

4       A. It depends on what it is.

5       Q. What would be some grounds for denying a request for a  
6            bottom bunk?

7       A. Again, bottom bunks, we only have so many. So, my  
8            role would be to make sure that those that have bunks  
9            have them for legitimate reasons that cannot be  
10           accommodated in any other way.

11      Q. Are there any other reasons why you might deny a  
12           reasonable request?

13      A. Any reasonable request?

14      Q. Yes. What are the reasons why you would deny a  
15           reasonable accommodation request other than --

16            MS. DAVIS: Let me rephrase.

17      Q. You just said that you would, you might deny a bottom  
18           bunk if you determine that it was not legitimate; are  
19           there other reasons why you might deny a bottom bunk  
20           request?

21      A. Not enough information, no documentation to justify  
22           the request.

23      Q. Are there any security reasons why you might deny it?

24      A. Well, in general, climate issues. I don't have a  
25           large, huge number of bottom bunks. So, again, I am

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1 making sure that those that have them are legitimate.

2 Q. Who is responsible for assigning bunks?

3 A. Housing lieutenant.

4 Q. So is there more than one person in the medium security  
5 facility responsible for that?

6 A. There are more than one housing lieutenant, yes.

7 Q. How many housing lieutenants are there in medium?

8 A. Four.

9 Q. Are they responsible for a particular mod, or just do  
10 they work sort of together; how does that work?

11 A. They are responsible for a particular area in the  
12 facility.

13 Q. Do you know how they make decisions for assigning  
14 bunks?

15 A. Any number of reasons.

16 Q. How many beds are in medium security?

17 A. Well, I am not going to give you an exact number,  
18 but I can tell you there are six housing units with 906  
19 bunks on the housing unit, each side has a left and a  
20 right. So there's 12 housing areas with 96 bunks on  
21 each side.

22 Q. So there are 12 housing areas each with 96 beds, and  
23 that's the total for medium security, or did you say  
24 housing units on each side?

25 A. Each side.

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1 A. I don't have that number.

2 Q. But earlier you testified that there are only so many  
3 bottom bunks, and you are concerned about providing  
4 them. So does that mean that there are enough orders  
5 for people to have bottom bunks to reach the total  
6 number of bottom bunks available; does that make sense?

7 MS. DAVIS: Let me rephrase.

8 Q. Were there so many bottom bunk orders that you might  
9 run out of the bottom bunks?

10 A. That's always a consideration.

11 Q. Are you aware that it had happened at any point?

12 A. No.

13 Q. So at no point while you were the programmatic deputy  
14 warden did you actually discover that you had run out  
15 of bottom bunks to provide to inmates?

16 A. I never officially ran out of bottom bunks, no.

17 Q. What made you be concerned that you were going to run  
18 out of bottom bunks?

19 A. Availability.

20 Q. Was there some point at which you were informed that  
21 you might run out of bottom bunks?

22 A. Yes.

23 Q. So, you understand that at some point there was a  
24 concern that medium security was not going to have  
25 enough bottom bunks available?

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1 A. That's always a concern.

2 Q. Have you ever denied a bottom bunk because you had run  
3 out of available bottom bunks?

4 A. No.

5 Q. But you were concerned that you might, and therefore,  
6 you did not grant all orders for bottom bunks; is that  
7 what you are saying?

8 A. I granted orders on bottom bunks based on the  
9 legitimacy of the request.

10 Q. How frequently would you return a request for a bottom  
11 bunk to medical requesting more information?

12 A. I don't know.

13 Q. Can you give an approximation, like 50 percent of the  
14 requests, or 75 percent, 25 percent, anything?

15 A. I can't.

16 Q. Were there requests that you approved right away,  
17 without asking for further information?

18 A. Yes.

19 Q. Why?

20 A. Because the order was legitimate. They sent me the  
21 information I received.

22 Q. What information that you received would indicate to  
23 you that it was legitimate?

24 A. The medical condition.

25 Q. The medical condition?

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1 bottom bunk.

2 Q. And that would include for any necessary reasonable  
3 accommodation, is that what you are saying? Medical  
4 would decide if somebody could be moved to a different  
5 facility or should be moved to a different facility if  
6 they have the necessary reasonable accommodation that  
7 could not be accommodated in, for instance, medium  
8 security?

9 MR. SULLIVAN: Objection to form.

10 MS. DAVIS: You can still go ahead and  
11 answer.

12 MR. SULLIVAN: You can answer.

13 A. Oh, I am not sure exactly what you are asking me.  
14 I am sorry.

15 Q. If an inmate had an approved necessary reasonable  
16 accommodation that could not be accommodated in medium,  
17 could they be moved to a different facility?

18 A. What medical accommodation are you referring to?

19 Q. Any type of reasonable accommodation.

20 A. That would be up to medical.

21 Q. So it would also be up to medical whether an inmate  
22 with a necessary reasonable accommodation that could  
23 not be accommodated in medium needed to be moved?

24 A. Yes. That would go to medical.

25 Q. And medical decides where to send them?

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1       A. Medical would decide if it was a legitimate request  
2       to send them. It is based on medical, it is going to  
3       come from medical.

4       Q. Whose decision is it ultimately to move inmates between  
5       facilities?

6       A. That depends.

7       Q. What does it depend on?

8       A. It depends on what the incident is. It depends on  
9       what the medical issue is. It depends on what the lack  
10      of reasonable accommodation exists or does not exist.

11      All cases are going to be very individual.

12      Q. But you are saying that the correctional staff could be  
13      involved in the decision to move an inmate for  
14      reasonable accommodation purposes?

15      A. The administration would be involved in a decision,  
16      the warden.

17      Q. Have you ever denied an order for a bottom bunk for  
18      inmates, other than the plaintiff in this case?

19      A. I don't recall.

20      Q. You do not recall ever denying an order for a bottom  
21      bunk?

22      A. Yes. I am sure I have. I just don't recall anyone  
23      in particular.

24      Q. Do you know how many approximately?

25      A. I don't.

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1 Q. What do you consider to be illegitimate medical  
2 conditions to be granted a bottom bunk?

3 A. Illegitimate medical conditions?

4 Q. You testified that you review whether or not bottom,  
5 whether reasonable accommodation are requested for  
6 legitimate reasons; what do consider to be illegitimate  
7 reasons?

8 A. It would be a request for a bottom bunk where the  
9 need is not documented medically. They cannot provide  
10 me more information to make an educated decision based  
11 on medical, it's based on self-reporting.

12 Q. Can you determine just from looking at the request that  
13 is sent to you whether or not an order is illegitimate?

14 A. If the request says just bottom bunk, I am going to  
15 request more information.

16 Q. Would you ever deny one without requesting more  
17 information?

18 A. I would request more information before I denied  
19 it.

20 Q. When you request more information, how do you receive  
21 more information? Is it on the order itself? Is it  
22 over the phone? Is it an E-mail?

23 A. It is typically on the form itself, either written  
24 on the form itself, or in some cases, a sticky note.

25 Q. Did you ever receive more information, other than